

## **REMARKS**

The present Response is being filed under a Certificate of Mailing as indicated. This in response to a Notice of Non-Compliant Amendment sent on November 8, 2007. The claim labels have been changed to represent the status of the claims and the subsequent Remarks are the same as submitted previously. Claims 1-2, 5-9, 11-12, 15-17, 19, 21-24 and 27-31 are pending. Claims 1, 11, and 21 have been amended. Claims 3, 4, 10, 13, 14, 18, 20, 25, 26, 32-40 have been cancelled. Claim 41 has been withdrawn.

### **Drawings**

In the last response, formal drawings were submitted. Please indicate whether the drawings are accepted.

### **§112**

Claims 4, 14, and 26 were rejected for failing to particularly point out and distinctly claim the subject matter. Claims 4, 14, and 26 have now been cancelled, thus rendering this objection moot.

### **§102**

Independent claims 1, 11, and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,267,785 to Masini (“Masini”). Independent claims 1, 11, and 21 all have been amended to recite that the crescent-shaped member includes a first portion and a second portion that is moveably attached to the first portion. The two portions are shaped so as to create a crescent. As shown in FIGs. 1-4, the first portion 16 and second portion 18 create a crescent in shape. Both the first portion 16 and second portion 18 are arcuate, and when assembled, create a crescent.

Masini does not disclose such first and second portions. As shown, Masini discloses a single crescent-shaped member. There is no disclosure of two portions that are moveable with respect to one another, that when assembled, create a crescent. For at least this reason, claims 1, 11, 21 and their dependents are believed to be allowable over Masini.

Independent claims 1, 11, and 21 were rejected as being anticipated by U.S. Pat. No. 5,342,362 to Kenyon et al. (“Kenyon”). As recited above regarding Masini, independent claims 1, 11, and 21 have been amended to recite a body that comprises a crescent-shaped member that includes first and second portions that are shaped so as to

create a crescent and that the second portion is moveable with respect to the first portion. Kenyon does not disclose such a member. The clamp 124 referred to in the Office Action does not include two portions that create the crescent such that one of the portions is moveable with respect to the other one. Therefore, for at least this reason, claims 1, 11, 21 and their dependents are believed to be allowable over Kenyon.

### **Conclusion**

For the above-described reasons it is respectfully submitted that the rejections to the claims have been overcome and that all remaining claims, namely claims 1-2, 5-9, 11-12, 15-17, 19, 21-24, 27-31 are currently in condition for allowance. A Notice of Allowance is respectfully requested. As this response is being filed within three months of the mailing date, it is believed that no fees are due with this response. However, any additional fees associated with the filing of this Response may be charged to Johnson & Johnson Deposit Account No. 10-0750/DEP5108USA/CKT.

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